

Sector 4  
PATENT #  
3



Practitioner's Docket No.: 270P109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dr. Norm Faiola, Ph.D., Robert J. Wood, Jr., and Joel Morrisette

Serial No.: 09/316,651

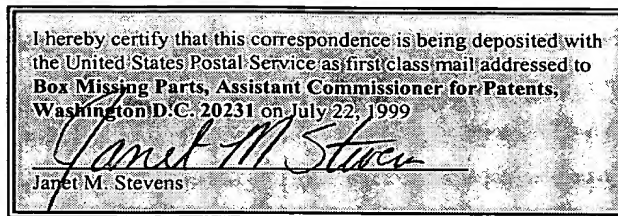
Art Unit: 2766

Filed: May 21, 1999

Examiner: Not Assigned

For: FOOD MONITORING SYSTEM FOR MONITORING FOOD LOCATED AT  
FOOD SERVING OR STORAGE LOCATIONS

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231



**COMPLETION OF FILING REQUIREMENTS  
— NONPROVISIONAL APPLICATION**

*(check and complete this item, if applicable)*

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed June 15, 1999.
- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

**DECLARATION OR OATH**

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**OTHER PAPERS ENCLOSED**

- III. ☐ A Preliminary Amendment canceling claims without prejudice or disclaimer  
☒ Assignment with Assignment Transmittal

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

## SMALL ENTITY STATUS

V. ☒ A statement that this filing is by a small entity is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on \_\_\_\_\_ (original).

## COMPLETION FEES

VI. **WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. 1.53.

**NOTE:** For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. 1.28(a).

1. Filing Fee  
☒ Original Patent Application \$ 380.00  
(37 C.F.R. 1.16(a) --\$760.00; Small Entity--\$380.00)
  2. Fees for Claims (42 Claims; 4 Indep.)  
☒ each independent claim in excess of 3 \$ 39.00  
(37 C.F.R. 1.16(b)--\$78.00; small entity--\$39.00)  
☒ each claim in excess of 20 \$ 198.00  
(37 C.F.R. 1.16(c)--\$18.00; small entity--\$9.00)  
☐ multiple dependent claim(s) \$ .00  
(37 C.F.R. 1.16(d)--\$260.00; small entity--\$130.00)
  3. Surcharge fees  
☒ late payment of filing fee \$ 65.00  
(37 C.F.R. 1.16(e)--\$130.00; small entity--\$65.00)  

and/or

☒ late filing of original declaration or oath \$ 65.00  
(37 C.F.R. 1.16(e)--\$130.00; small entity--\$65.00)  

**NOTE:** If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. 1.16(e).
  4. ☐ Petition and fee for filing by other than all the \$ .00  
inventors or a person not the inventor  
(37 C.F.R. 1.17(i) and 1.47--\$130.00)
  5. ☐ Fee for processing an application filed with a \$ .00  
specification in a non-English language  
(37 C.F.R. 1.17(k) and 1.52(d)--\$130.00)
  6. ☒ Assignment Fee \$ 40.00
- Total Completion Fees      \$787.00**

## EXTENSION OF TIME

### VII.

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. 1.17(a)(1)-(4), for the total number of months checked below:

Extension (Months)		Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	One Month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	Two Months	\$ 380.00	\$ 190.00
<input type="checkbox"/>	Three Months	\$ 870.00	\$ 435.00

Extension Fee \$ 00.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ .00

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

### VIII.

The total fee due is:	Completion fee(s)	\$787.00
	Extension fee (if any)	\$ <u>.00</u>
	<b>Total Fee Due</b>	<b>\$787.00</b>

## PAYMENT OF FEES

- IX. ☒ Enclosed is a check in the amount of \$787.00.  
☐ Charge Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_. A duplicate of this request is attached.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES OR  
CREDIT OVERPAYMENT**

- X. ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289. A duplicate copy of this sheet is enclosed.

- ☒ Any additional filing fees required under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

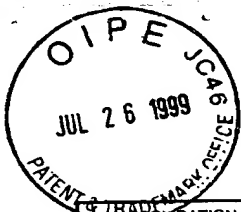
July 22, 1999  
Date

George S. Blasiak  
George S. Blasiak  
Reg. No. 37,283

GSB:jms

**WALL MARJAMA BILINSKI & BURR**  
101 South Salina Street, Suite 400  
Syracuse, NY 13202  
Telephone: (315) 425-9000  
Facsimile: (315) 425-9114

Customer No.:



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/316,651 05/21/99 FAIOLA PH.D. D 270P109

020874 0232/0615

WALL MARJAMA BILINSKI AND BURR  
101 SOUTH SALINA STREET  
SUITE 400  
SYRACUSE NY 13202

NOT ASSIGNED

2766

DATE MAILED:

06/15/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☐ non-small entity is \$ 984

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ 396 for 22 total claims over 20.

\$ 78 for 1 independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

07/28/1999 TLUU11 00000059 09316651

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

01 FC:201	380.00 OP
02 FC:202	39.00 OP
03 FC:203	198.00 OP
04 FC:205	65.00 OP
05 FC:299	65.00 OP